

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEBORA NOVAKOWSKI,

CIVIL DIVISION

Plaintiff,

NO. 04-356 ERIE

v.

Judge McLaughlin
Electronically Filed

ELAINE CHAO, SECRETARY, and the
UNITED STATES DEPARTMENT OF LABOR,

Defendants.

**RESPONSE TO DEFENDANTS' MOTION FOR EXTENSION
OF TIME TO FILE RESPONSIVE PLEADING
TO PLAINTIFF'S MOTION TO COMPEL**

AND NOW, comes the Plaintiff, Debora Novakowski, by and through her attorneys John R. Linkosky and John Linkosky & Assoc., and files the within Response to Defendants' Motion for Extension of Time to File Responsive Pleadings.

1. On December 28, 2005, Plaintiff filed a Motion to Compel Discovery Responses.
2. On January 5, 2006, this Honorable Court ordered Defendants to respond to said Motion by January 18, 2006.
3. This Honorable Court had previously extended a date for completion of discovery to January 28, 2006.
4. In their Motion, Defendants unequivocally state that Plaintiff will not be prejudiced by this Honorable Court granting extension of two days to January 20, 2006, for Defendants to respond to Plaintiff's Motion to Compel Discovery.
5. To the contrary, not only did Defendants not timely respond to Plaintiff's Motion, leaving Plaintiff in limbo as to preparation for depositions, if Defendants' Motion for Extension of Time to January 20, 2006, (which is a Friday) is granted, there will be only five remaining

work days before the close of discovery and Plaintiff will be severely prejudiced in preparation for depositions to be taken before the close of discovery.

WHEREFORE, for all the above reasons, Plaintiff request this Honorable Court deny Defendants' Motion for Extension of Time and to the contrary, order Defendants to produce the documents which are the subject of Plaintiff's Motion to Compel Discovery by no later than January 20, 2006.

Respectfully submitted,

Date: 1/19/06

/s/ John R. Linkosky
John R. Linkosky, Esquire
Attorney for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response to Defendants' Motion for Enlargement of Time to File Responsive Pleadings was *electronically filed* on the 19th day of January 2006, to the following:

Paul E. Skirtich, Esquire
Assistant U.S. Attorney
United States Department of Justice
U.S. Post Office & Courthouse
700 Grant Street, Suite 400
Pittsburgh, PA 15219

/s/ John R. Linkosky
John R. Linkosky, Esquire
Attorney for Plaintiff